

Index File

Application No. ZM-98-05

Elawar Properties II, LLC

Application No. ZM-98-05 is a request to amend the York County Zoning Map by reclassifying a 0.95-acre parcel from EO (Economic Opportunity) to IL (Limited Industrial) subject to voluntarily proffered conditions. The property is located at 1629 George Washington Memorial Highway (Route 17).

The staff is recommending approval.

Attachments:

1. Staff report
2. Zoning map
3. Proffer statement
4. Sketch plan
5. Photographs of equipment
4. Proposed Resolution No. PC05-41

COUNTY OF YORK

MEMORANDUM

DATE: October 4, 2005 (PC Mtg. 10/12/05)

TO: York County Planning Commission

FROM: Earl W. Anderson, Planner

SUBJECT: Application No. ZM-98-05, Elawar Properties II, LLC

ISSUE

This application requests to amend the York County Zoning Map by reclassifying a 0.95-acre parcel from EO (Economic Opportunity) to IL (Limited Industrial) subject to voluntarily proffered conditions. The property is located at 1629 George Washington Memorial Highway (Route 17), approximately 360 feet south of its intersection with Apple Lane (private road) and is further identified as Assessor's Parcel No. 37-11A. The applicant has proffered limited uses, building materials, landscaping, and fencing of outdoor storage. The property is designated for General Business in the *Comprehensive Plan*.

DESCRIPTION

- Property Owner: Elawar Properties, LLC (Raja S. El-Awar, manager)
- Location: 1629 George Washington Memorial Highway (Route 17)
- Area: 0.95 acre
- Frontage: Approximately 100' along George Washington Memorial Hwy (Route 17)
- Utilities: Public water and septic
- Topography: Flat
- 2015 Land Use Map Designation: General Business
- Zoning Classification: EO – Economic Opportunity
- Existing Development: Single-family detached dwelling
- Surrounding Development:
 - North: Single-family detached dwelling
 - East: Route 17; Tabb Square Shopping Center, single-family detached dwelling, and Best Pools & Spas, Inc. beyond
 - South: Vacant single-family detached dwelling
 - West: Gary's Towing and Coxton Auto Body Repair

- Proposed Development: Construction office and warehouse with outside storage of equipment and material.

CONSIDERATIONS/CONCLUSIONS

1. The applicant is requesting to rezone a parcel along George Washington Memorial Highway (Route 17) from EO (Economic Opportunity) to IL (Limited Industrial) conditional, which will enable the applicant to establish his construction firm's office with outside storage of equipment and materials at the location. The property has a nonconforming single-family detached dwelling. There are several trees and shrubs on the lot, which the applicant has proffered to preserve. To the north and south are single-family detached dwellings, while across Route 17 several retail business are currently operated. Past the vacant dwelling to the south is an auto body repair business that wraps around the western boundary of the property.
2. In 1995 as part of the comprehensive rezoning of the County, several large areas were rezoned to Economic Opportunity. The intent of the Economic Opportunity zoning is "to guide a mix of commercial, tourist-related, and limited industrial uses to certain portions of the county identified in the comprehensive plan that have or are projected to have the access and infrastructure necessary to support both capital and employment intensive uses". The subject property is the northernmost property that makes up a large Economic Opportunity area on the west side of the southern end of Route 17. The Economic Opportunity area consists of approximately 23.5 acres of which only 11.5 acres have not been developed. The subject parcel borders Economic Opportunity to the south and General Business across Route 17 to the east; the abutting parcels to the north and west are zoned Limited Industrial.
3. The *Comprehensive Plan* designates the subject parcel, as well as the parcels south of the subject property that make up the Economic Opportunity area as General Business. The General Business designation states that these areas are intended "to provide opportunities for...commercial uses oriented primarily toward supplying goods or services for a community or regional market. The scope of commercial activities...would include uses that need access to arterial highways and outdoor display or storage of goods or materials." The closest industrial designation is to the north along Production Drive, which is designated as Limited Industrial.

The large parcels to the west of the subject property, which are currently zoned Limited Industrial, are designated in the *Comprehensive Plan* for Economic Opportunity. "This designation is intended to guide a mix of commercial, tourist-related, and limited industrial uses...that have or are planned to have the access and infrastructure necessary to support both capital- and labor-intensive uses...The employment benefit to the County should be positive and enhance the tax base by increasing the County's fiscal strength. The unique nature...excludes uses that may conflict with or detract from the activities proposed."

4. The applicant has proffered that the existing building will be improved and the existing garage opening will be closed and renovated with similar material to the existing siding. The proffers also state that the entrance from Route 17 will be improved to meet Virginia Department of Transportation (VDOT) standards. Additionally, an eight foot (8') wood fence has been proffered to obscure views of any storage of specific types of equipment and only certain materials. Other proffers stipulate that freestanding signage will be limited to a monument sign and that existing plantings at the front, trees to the south, and the large trees to the rear of the house shall be preserved. However, the mature trees to the rear of the house can be removed if the house is demolished. The applicant has also stated that he will not clear or remove existing trees at the rear fifty feet (50') of the property.

Proffers for the future development of the property have been submitted which would permit a 10,000 to 12,000-square foot, two or three story building with masonry material for the first floor and EIFS or similar exterior on the upper floors to be built. Furthermore, a steel framed completely enclosed structure would be allowed for the storage of equipment and materials. A wood fence would be constructed to block views from the surrounding properties.

The applicant has also proffered to limit the range of allowable uses to the following:

- Contractor's shops (home improvements or construction, landscaping, general building, excavating, etc.) with enclosed storage of equipment or materials and with outdoor/exposed storage of specific equipment and materials as listed;
 - Plant nursery or greenhouse;
 - Health, exercise, fitness centers including swimming and racquet sports;
 - Wholesale trade establishment (may include accessory retail sales – with or without outdoor storage);
 - Laboratory, research/development testing facilities;
 - Publishing, printing, other than general public and business/professional services;
 - Manufacture or assembly of medical, drafting, metering, marine, photographic, mechanical instruments; reclamation of non-conforming borrow pits;
 - Sewage pump/lift stations;
 - Water storage towers;
 - Offices
5. Route 17 is a primarily commercial corridor in York County with most of the abutting land, including the subject parcel designated in the *Comprehensive Plan* as General Business. Accordingly, the property is zoned GB - General Business. All along Route 17 the General Business parcels abut residential areas; however, the nearest residential structures to the subject parcel are nonconforming single-family detached homes directly abutting the northern and southern boundary of the area.

RECOMMENDATION

The proposed project is consistent with the *Comprehensive Plan's* vision for the Route 17 corridor with its commercial nature and service provision. Additionally, the uses proffered and the overall project concept fall within the guidelines established for the *Comprehensive Plan's* General Business designation. The proposed use provides an opportunity to supply goods and/or services with outdoor storage and grants direct access to a major road, Route 17. Although, the applicant is requesting an Industrial zoning classification, the proffers limiting uses, the architectural details supplied, the use of a single monument sign, and keeping the mature plantings on the property will upgrade the current site. The rezoning is also a small extension of the existing Limited Industrial District and the proffered uses are not inconsistent with the General Business zoning designation. Furthermore, as development of the surrounding area occurs the subject property will stand as an example, along with other built out properties, to the developing properties as the vision for the area. Therefore, based on the above considerations, staff recommends that this application be forwarded to the Board of Supervisors with a recommendation of approval subject to the conditions contained in Resolution PC05-41.

EWA

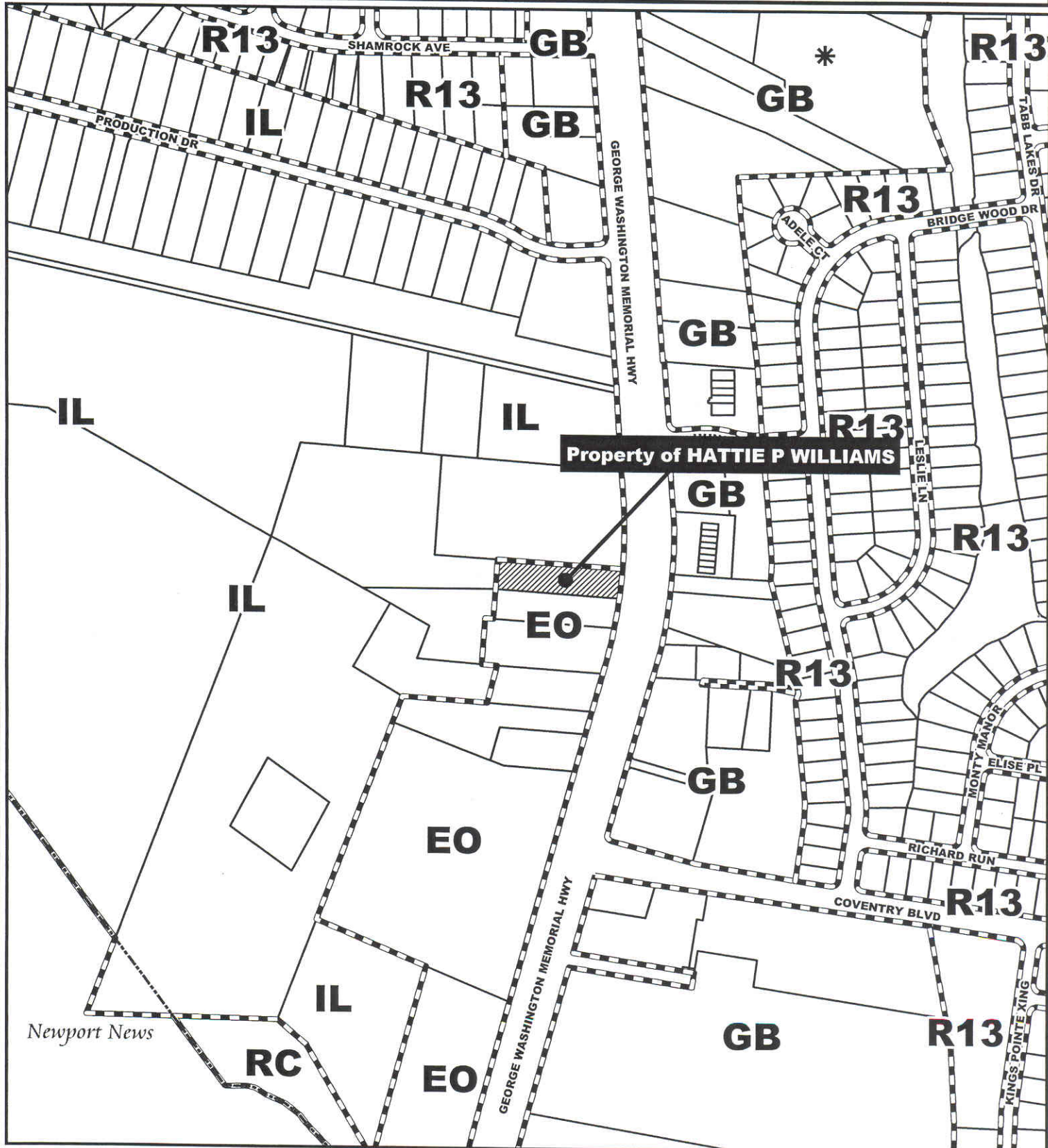
Attachments

- Zoning map
- Proffer statement
- Sketch plan
- Pictures of equipment
- Proposed Resolution No. PC05-41

APPLICANT
Elawar Properties II, LLC
Reclassify zoning from EO to IL.
1629 GEO WASH MEM HWY

ZONING MAP

APPLICATION NUMBER: ZM-98-05



* = Conditional Zoning

0 225 450 900
Feet



Printed on September 19, 2005

LIBRARY TILE NUMBER:

Lr018

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

Rezoning Application

1629 Geo. Wash. Mem. Hwy, York Co., Virginia

**CONDITIONS VOLUNTARILY PROFFERED FOR THE RECLASSIFICATION OF
PROPERTY IDENTIFIED AS 1629 GEORGE WASHINGTON MEMORIAL HIGHWAY
REZONING APPLICATION ZM-98-05**

THESE PROFFERED CONDITIONS are made this 6th day of October, 2005 by Elawar Properties II, LLC (herein referred to as "Elawar II"), a Virginia Corporation.

RECITALS

- A. Elawar II is the owner of 1629 George Washington Memorial Highway (herein referred to as "Property") in York County, Virginia.
- B. Property is currently zoned EO.
- C. Elawar II as the current owner has applied to rezone Property from EO to IL, with proffers.
- D. Elawar II has included a plan showing immediate use of Property and proposed renovations to the existing structure and land.
- F. Elawar II desire to offer to the County certain conditions on the future development of the Property in accordance properties zoned IL and not EO.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and Section 24.1-114 of the County Zoning Ordinance, Elawar II, hereby proffers that the current proposed use and future development of Property shall be in strict accordance with the conditions set forth below. If the requested rezoning is not granted by the County, these Proffered Conditions shall be null and void.

CONDITIONS

1. The existing structure will be renovated by painting the exterior white, closing the garage opening with similar material to the existing siding, constructing a ramp for disabled employees or clients, constructing a vehicular entrance meeting Virginia Department of Transportation (VDOT) and County requirements, constructing six (6) parking spaces with one (1) being for disabled clients or employees, and planting the front area of the property in accordance with County requirements for landscaping and installing an eight (8) foot wood fence completely enclosing in the area of the property where equipment [consisting of Skid Steers, Excavators, Dump Trucks (F700 or equivalent), trailer (capable of supporting 14 ton equipment and not longer than twenty (20) feet as shown in the attached pictures] and materials [consisting of sand -1 to 2 stock piles (approximately 10 tons), crushed stone aggregate (approximately 10 to 20 tons), blocks (segmental blocks) approximately five (5) to ten (10) pallets and geogrid [10 to 20 rolls] will be

Rezoning Application

1629 Geo. Wash. Mem. Hwy, York Co., Virginia

2. placed which will prevent them from being seen from any property lines. The open area where equipment and materials will be stored is expected to be on the order of 60 feet by 50 feet.
3. Future Uses. The proposed future development will consist of one (1) structure ranging in size from 10,000 to 12,000 square feet, two (2) to three (3) stories high for offices with another completely enclosed structure [This structure is expected to be approximately 60 feet by 50 feet, with garage like opening to enter this structure from the east of the property] for storing equipment and materials, and a crushed stone base open area [60 feet by 50 feet] for storing equipment and materials [stated in item 1 above]. Parking spaces will be in accordance with County requirements, landscaping in accordance with County requirements and a wood fence to insure that any construction equipment or materials stored on the property on the gravel based open area are not seen from surrounding properties. The structure closest to Route 17 will be constructed of masonry material for the first floor; however the upper floors will be constructed of wood framing with EIFS or similar exterior.
4. Signage will be limited to a monument sign and building signage.
4. Permitted Uses of the Property will be limited to the following:
 - Contractors' Shops (Home Improvements or Construction, Landscaping, General Building, Excavating, etc.) with Enclosed Storage of Equipment or Materials and with Outdoor/Exposed Storage as specified in item 1 above.
 - Plant Nursery or Greenhouse
 - Health, Exercise, Fitness Centers Including Swimming and Racquet Sports;
 - Laboratory, Research/Development Testing Facilities;
 - Publishing, Printing, Other than general public and Business/Professional Services;
 - Manufacturers or Assembly of Medical, Drafting, Metering, Marine, Photographic, Mechanical Instruments; Reclamation of Non-conforming Borrow Pits;
 - Sewage Pump/Lift Stations;
 - Water Storage Towers;
 - Offices;
5. Entrances/Turn Lanes. There shall be one (1) entrance into the Property from Route 17. There will be no turn lanes from Route 17 south/west bound as the traffic into the property does not justify it. The entrance will conform to VDOT and County requirements.
6. Landscaping will consist of keeping the existing planting at the front of the property, trees south of the property and the large trees currently existing directly behind the existing structure. Additionally, no trees shall be cleared or removed from the rear of the property encompassing the entire rear of the property out to fifty (50) feet east of the property line.

Rezoning Application

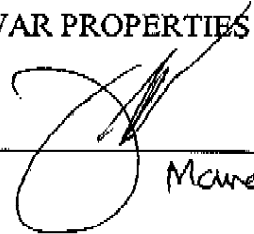
1629 Geo. Wash. Mem. Hwy, York Co., Virginia

WITNESS the following signatures.

ELAWAR PROPERTIES II, LLC

By:

Title


Manager

STATE OF VIRGINIA AT LARGE

COUNTY of Newport News, to-wit:

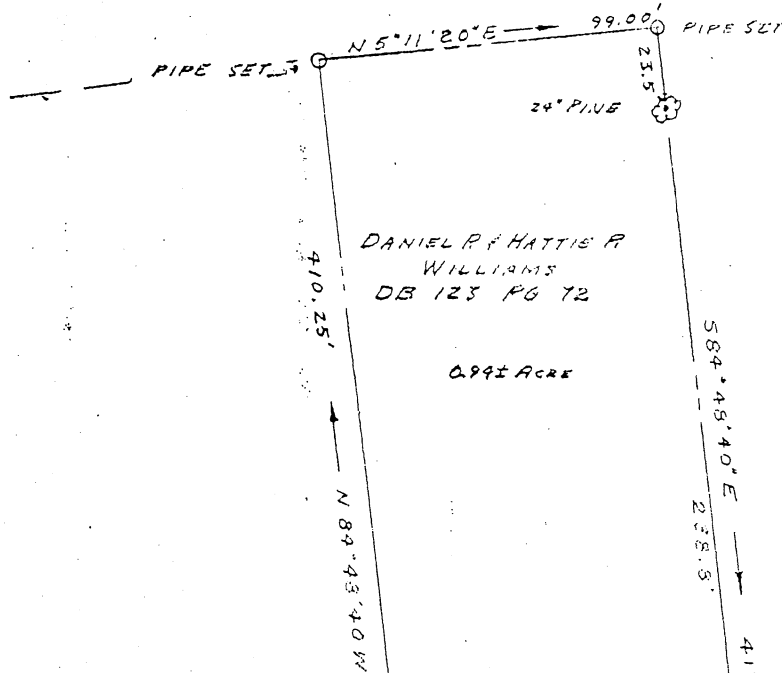
The foregoing instrument was acknowledged before me this 6th day of October, 2005, by RAJA ELAWAR, as Manager of Elawar Properties II, LLC of Virginia on behalf of the LLC.


NOTARY PUBLIC

My commission expires: December 31, 2006

GEORGE R. GORDON

BEARINGS FROM
BEARINGS FOR U.S. HIGHWAY



PHILLIP A. WILLIAMS
DB 65 PG 520

NOTE: REFERENCE STATE HIGHWAY
PB NO 1 PAGE 65

RECEIVED

SEP 16 2005

PLANNING DIVISION
COUNTY OF YORK

* Proposed
Improvements

** Landscaping as
shown in attached
picture.

CONC. MON.
FOUND

ARC. 24.8.31

PIPE SET

Δ = 3° 03' 32"
R = 1855.86

P.C. STA.
187+91.33

ARC. 99.08

PIPE SET

CONC. MO
FOUND
RT. STA.
199+06.5

TO NEWPORT NEWS

U.S. ROUTE # 17

TO YORKTOWN

CERTIFIED CORRECT

Hugh C. Dischinger

HUGH C. DISCHINGER C.E. & C.L.S.

PLAT OF PROPERTY OF
DANIEL P. & HATTIE P. WILLIAMS
BETHEL DISTRICT
YORK COUNTY VIRGINIA

MURRAY & DISCHINGER-ENGINEER
HAMPTON VIRGINIA

SCALE: 1" = 50'

DATE: JULY 2, 19

REVISIONS: NOT CHANGED
FROM 100.00' TO 99.00' WIDE
AT THE DIRECTION OF THE
EXAMINING ATTORNEY 7/11/43

JOB NUMBER

03-6-754

Application No. ZM-98-05, Elawar Properties II, LLC
Construction equipment to be stored on-site



PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
Alfred E. Ptasznik, Jr.
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST
TO REZONE A 0.95-ACRE PARCEL LOCATED AT 1629 GEORGE
WASHINGTON MEMORIAL HIGHWAY (ROUTE 17) FROM EO
(ECONOMIC OPPORTUNITY) TO IL (LIMITED INDUSTRIAL)
SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS

WHEREAS, Elawar Properties II has submitted Application No. ZM-98-05, which requests to amend the York County Zoning Map by reclassifying from EO (Economic Opportunity) to IL (Limited Industrial) subject to voluntarily proffered conditions a 0.95-acre parcel located at 1629 George Washington Memorial Highway (Route 17), approximately 360 feet south of its intersection with Apple Lane (private road) and further identified as Assessor's Parcel No. 37-11A (GPIN# S02B-3612-4243); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of ____, 2005, that Application No. ZM-98-05 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from EO (Economic Opportunity) to IL (Limited Industrial) subject to voluntarily proffered conditions a 0.95-acre parcel located at 1629 George Washington Memorial Highway (Route 17), approximately 360 feet south of its intersection with Apple Lane (private road) and further identified as Assessor's Parcel No. 37-11A (GPIN# S02B-3612-4243).

BE IT FURTHER RESOLVED that the Planning Commission recommends that approval of said application be subject to the voluntarily proffered conditions set forth in the applicant's proffer statement, titled "Conditions voluntarily proffered for the reclassification of property identified as 1629 George Washington Memorial Highwaya (*sic*) rezoning application ZM-98-05" signed by the owner of the subject property Elawar Properties II, LLC.; received by the York County Planning Division on October 7, 2005, a copy of which shall remain on file in the Planning Division, and which, upon approval by the Board of Supervisors, shall be recorded in the office of the Clerk of the Circuit Court pursuant to the requirements of Section 24.1-114(e)(1) of the York County Zoning Ordinance.